

ESTTA Tracking number: **ESTTA552686**

Filing date: **08/07/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91211392
Party	Defendant HALLMARK INDUSTRIES INC.
Correspondence Address	HALLMARK INDUSTRIES INC. HALLMARK INDUSTRIES INC. 800 31ST ST UNION CITY, NJ 07087-2428 PKJAIN2@HALLMARK-JEWELRY.COM
Submission	Answer
Filer's Name	Donna Mirman
Filer's e-mail	dmirman@grr.com, efiling@grr.com, cquintero@grr.com
Signature	/DM/
Date	08/07/2013
Attachments	AnswerHallmark.pdf(533384 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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HALLMARK LICENSING, LLC

Opposer,

v.

HALLMARK INDUSTRIES, INC.

Applicant.
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: Opposition No. 91211392
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: Application No. 77/457422
: Published: March 5, 2013
: For the Mark: HALLMARK

APPLICANT'S ANSWER

Applicant, Hallmark Industries, Inc. ("Hallmark Industries"), through its attorneys, Gottlieb, Rackman & Reisman, P.C., as its answer to the Notice of Opposition, alleges as follows:

1. Applicant lacks sufficient knowledge or information concerning the allegations contained in paragraphs 1-2 of the Notice of Opposition, and therefore, denies said allegations.
2. Applicant denies the allegations contained in paragraphs 3-6 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

1. Opposer's earlier Notice of Opposition filed with the TTAB on October 31, 2005 against Applicant's predecessor-in-interest's two applications containing the identical term HALLMARK covering goods in Class 14, namely, Opposition No. 91167232, was dismissed with prejudice in favor of Applicant on November 24, 2010. Upon the Board's dismissal of Opposition No. 91167232, these applications issued under Registration Nos. 3898293 and 3898297. Accordingly, Opposer should be prejudiced from bringing the present Opposition.

GOTTLIEB, RACKMAN & REISMAN, P.C.

Attorneys for Applicant
Hallmark Industries, Inc.
270 Madison Avenue
New York, N.Y. 10016
Tel. (212) 684-3900
Fax (212) 684-3999

By: 

Donna L. Mirman

Dated: August 7, 2013
New York, New York

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that a copy of the foregoing **APPLICANT'S ANSWER** is being electronically filed with the United States Patent and Trademark Office on this 7th day of August, 2013.



Donna Mirman

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **APPLICANT'S ANSWER** was deposited with the U.S. Postal Service on this 7th day of August, 2013 as first class mail, postage prepaid, addressed to counsel for Opposer, as follows:

David N. Johnson, Esq.
Hallmark Cards, Incorporated
2501 McGee Trafficway MD 339
Kansas City, MO 64108

Dated: August 7, 2013

By: 

Donna Mirman